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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,819	03/23/2001	Wendell Brown	EVOI0009	6685

7590
Glenn Patent Group
3475 Edison Way,
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06/29/2006

EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,819

Applicant(s)

BROWN ET AL.

Examiner

Joseph T. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,11-24,26-33,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-9,11-24,26-29,37 and 38 is/are allowed.
- 6) ☒ Claim(s) 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Casellini, Patent #6,404,860 in view of Flanagan et al, Patent #6,339,754.

Regarding claim 30, Casellini teaches a call control system for handling calls in real-time, comprising:

a call receiver module configured to receive a call directed to a subscriber, a database of subscriber profiles, wherein a profile for a first subscriber includes one or more user names of the first subscriber for one or more instant messaging systems (303-311 Fig.3 and col.4 lines 14-27).

an instant messaging module configured to send an initial instant messaging message to the first subscriber in response to receipt of a call for the first subscriber from a caller, wherein said initial instant messaging message includes a set of options for handling the call (209-210 Fig.4A and Fig.6);

a voicemail module configured to record an incoming message from the caller if the first subscriber selects a voicemail option for handling the call(500a option 2 of fig.6); and a message playback module configured to play an outgoing

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message for the caller if the first subscriber selects a message playback option for handling the call (500a option 4 of Fig.6)

an audio module configured to establish an audio connection with the first subscriber if the first subscriber selects a call handling option for answering the call over said one or more instant messaging systems, said audio module being further configured to establish an audio connection with the first subscriber if the first subscriber selects a voicemail with screening option for handling the call(500a option 2 of Fig.6 and col. 4 lines 5-13); and

at least one text-to-speech(500b Fig.6) conversion module which, along with other components of the system, enable verbal-textual communication between the first subscriber and the caller over the instant messaging system being used by the first subscriber (Fig.3, Fig.6; at least one text-to-speech module is used).

Casellini does not explicitly disclose software for speech-to-text conversion.

Flanagan explicitly teaches software for speech-to-text conversion(Flanagan col.13 lines 1-23).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include speech-to-text software conversion in Casellini's system. One of ordinary skill in the art would have been motivated to do this as Flanagan also teaches communication between a telephone user and an instant messaging user and that speech-to-text conversion would be useful for

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an instant messaging user to communicate to a caller(e.g. 'chatting' via voice recognition which is an old and well-known concept as also taught by Flanagan).

Regarding claim 31, Casellini in view of Flanagan teaches the call control system of claim 30, wherein one or more of said call handling options in said initial instant messaging message comprise hyperlinks to the call control system (500a Fig.6)

Regarding claim 32, Casellini in view of Flanagan teaches the call control system of claim 31, further comprising a network server configured to receive a communication connection from the first subscriber initiated by the first subscriber's selection of one of said hyperlink call handling options (500a Fig.6 and col.5 lines 6-24)

Regarding claim 33, Casellini in view of Flanagan teaches the call control system of claim 30, wherein said instant messaging module is further configured to receive a return instant messaging message from the first subscriber, wherein said return instant messaging message includes a selection of one of said call . handling options (Fig.6).

Allowable Subject Matter

2. Claims 1-3, 5-9, 11-24, 26-29, and 37-38 allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach, among other things, controlling a telephone call to an instant messaging user, wherein if the instant messaging service is not communicatively coupled to both a speaker and

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microphone at the user's side, establishing speech-to-text conversion for communication between the caller and the IM user.

Response to Arguments

3. Applicant's arguments with respect to claim 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Yu et al., Patent #7,058,036 also teaches software for speech-to-text conversion.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTP
June 26, 2006



OVIDIO ESCALANTE
PATENT EXAMINER

